

JUNE 27, 2018 BULLETIN TO ALL IMMIGRATION CLIENTS

## Supreme Court Upholds Travel Ban

On June 26, 2018, the U.S. Supreme Court upheld the Trump Administration's most recent ban on travel from several predominantly Muslim countries as well as Venezuela and North Korea. In a 5-4 opinion, the Court found that the most recent version of President Trump's travel ban did not violate the Constitution or federal immigration laws. Specifically, the Court held that the travel restrictions on nationals from Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen are within the President's broad powers to suspend entry of foreign nationals in the interest of national security.

Unless otherwise exempt or granted a waiver, nationals of restricted countries remain subject to the following U.S. travel limitations:

- **Iran:** No nonimmigrant visas except F/M student visas and J exchange visitor visas; no immigrant or diversity lottery visas.
- **Libya:** No B-1, B-2, or B-1/B-2 visitor visas; no immigrant or diversity lottery visas.
- **North Korea:** No nonimmigrant, immigrant, or diversity lottery visas.
- **Somalia:** Nonimmigrant visa applicants subject to heightened scrutiny; no immigrant or diversity visas.
- **Syria:** No nonimmigrant, immigrant, or diversity lottery visas.
- **Venezuela:** No B-1, B-2, or B-1/B-2 visas for officials of designated Venezuelan government agencies. Other visa holders are subject to verification of traveler information.
- **Yemen:** No B-1, B-2, or B-1/B-2 visitor visas; no immigrant or diversity lottery visas.

Certain citizens of affected countries are exempt from the restrictions, including U.S. lawful permanent residents, dual nationals traveling on a passport from a non-restricted country, foreign nationals who hold a valid U.S. visa or advance parole, and those who were physically present in the United States on the original effective date of the travel restrictions.

Those who are not exempt may request a waiver at a U.S. embassy or consulate abroad when applying for a visa. To be eligible for a waiver, a foreign national must demonstrate that he or she would suffer undue hardship if denied entry, and that his or her entry would not pose a threat to U.S. national security or public safety and would be in the U.S. national interest. These waivers are highly discretionary and may be difficult to obtain.

Looking forward, these travel restrictions will remain in place until the Administration lifts them or removes particular countries from the list. The Administration could also add new countries to the list and broaden restrictions on foreign nationals already subject to the proclamation.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins and news alerts, please send an e-mail to [bulletin@cohenlaw.com](mailto:bulletin@cohenlaw.com).

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